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U.S. Pilot Season: Doubts Run in Cycle, Value Remains

FOX's chairman of Entertainment, Kevin Reilly, surprised critics at this past January's Television Critics Association Winter Press Tour in Los Angeles when he stated that his network would be killing off the traditional pilot season — which usually occurs in early spring — in favor of year-round production.

With a drawing on the screen of a FOX headstone marked "R.I.P. Pilot Season 1986-2013," Reilly noted that the network had been trying to do this for a long time (FOX network was born in 1986). "Many of you heard from Damon Lindelof last week in his HBO session — Damon has had a lot of network television success — and he said something



about 'Cable is far superior to network.' He said, 'When you slow down the conveyor belt, the quality goes up.' And I agree with him, and that's what we want to do on FOX. This year, officially [and] for the first time, we are going to be bypassing pilot season," he said.

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E.U. Questions Territorial Pay-TV Exclusive Rights



In George Orwell's book 1984, The Ministry of Love's O'Brien, a powerful member of the Inner Party, tells the protagonist, Winston Smith, "the thing that is in Room 101 is the worst thing in the world." Now, we're left wondering: Has the European Commission opened the door to content's "worst

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Canada's Buys All About the Simulcasts



For Canadian broadcasters, particularly large conventional broadcasters such as Bell, Rogers and Shaw, buying for an upcoming fall season begins post NATPE, and continues at MIP-TV and the L.A. Screenings. For specialty buyers looking for niche content, MIP is very important, but for the conventional television buyers, Los Angeles in May is where it all really happens.

Of the international buyers that descend on L.A. to screen the new

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FROM EXECUTIVE PRODUCER COURTNEY KEMP AGBOH *(THE GOOD WIFE)*

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Cover Stories

For the U.S. pilot season cycle, doubts are back; now it's FOX's turn to doubt

E.U. questions territorial pay-TV exclusive rights. Antitrust proceedings opened

Canada's content buying is all about the simulcast. Canadian buyers love substitution



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Aereo, a new digital delivery service, wants a free content ride



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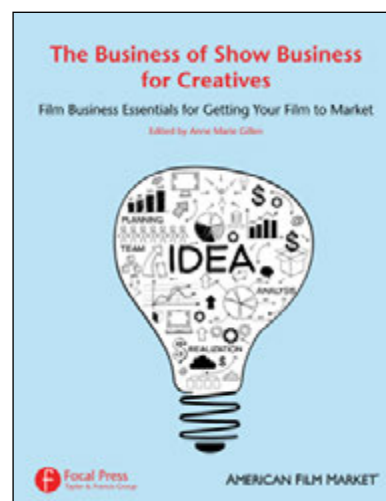
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AFM Wants You To Know Film Biz

The Los Angeles-based American Film Market (AFM) and Focal Press, a company with offices in both the U.S. and Europe, published their first co-venture e-book available as a free download to qualified readers online. The title of the 364-page book is *The Business of Show Business for Creatives: Film Business Essentials for Getting Your Film to Market*, edited by Anne Marie Gillen, a Los Angeles-based film consultant.

The book is divided into eight parts for a total of 25 chapters covering everything from pitching, financing, budgeting, marketing, distribution, festivals and how to navigate film markets such as AFM.



Net Neutrality Loses Equality

Last January, a U.S. appeals court threw out the communication authority (FCC) rules that require broadband providers to treat all Internet traffic equally (an idea known as “net neutrality”), raising the likelihood that services that use a lot of bandwidth — like Netflix — may have to pay according to usage to ensure good service.

The *Wall Street Journal* commented that “the ruling could usher in an era of tiered Internet service, in which they get some content at full speed while other websites appear slower because their owners chose not to pay up.”

Until now, FCC rules have stated that Telcos and MSO companies like Verizon and Comcast have to treat all content on their networks equally.

Verizon brought the suit against the FCC, and the panel of judges ruled that the FCC saddled broadband providers with the same sorts of obligations as traditional “common carrier” telecommunications services, such as landline phone systems.

Though the FCC may appeal, if it remains as is, the ruling means Internet-service providers can experiment with new types of pricing arrangements, charging companies like Netflix or Google (which owns YouTube) higher fees to deliver Internet traffic faster. They could also degrade the quality of content unless the creators pay.

President Barack Obama has pushed for equal treatment of Internet traffic, so the ruling is considered a blow to his administration.

The ruling also sharpens the struggle by big entertainment and telecommunications companies to shape broadband regulation. Tens of millions of Americans view video and other media via broadband connections.

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(Continued from Page 4)

Recalling The 1980 Moscow Olympics

The 2014 Sochi Winter Olympics may have recently concluded, but we remember just before the 1980 Summer Olympics in Russia (then the Soviet Union). Sol Paul, the former boss of VideoAge's editor Dom Serafini, sent Serafini to Moscow and Leningrad (now St. Petersburg) to report on the preparations for the Games. Paul, then publisher of TV /Radio Age, wanted to please NBC, the official U.S. network covering the Olympics and one of Paul's largest advertisers together with RCA (that provided some electronic equipment to what were then called the Moscow Olympics), which at that time owned NBC (now NBCUniversal, a Comcast group). As we all know, ultimately the U.S. boycotted the 1980 Olympics under orders from then President Jimmy Carter, who was upset by the Soviet's jail sentences for two dissidents.

Serafini is pictured with Russian Olympics deputy chairman Alexander Issurin and translator Tanya Kashyntseva.



The Power of Money Over Regulations

Last month, both *The Washington Post* and *The Financial Times* addressed the issue of Comcast's great political influence in Washington, D.C., where regulatory agencies have to review the \$45 billion acquisition by Comcast, the U.S.'s largest cable company, of Time Warner Cable (TWC), the nation's second largest MSO.

According to *FT*, the FCC (the U.S. communication agency) has achieved "a monumental failure of regulation," and "Americans pay more per megabyte than consumers in any developed country, except Chile, Mexico and Turkey."

The *FT* article, written by Susan Crawford, a visiting professor at Harvard Law School, stated that if FCC chairman Tom Wheeler approves the deal, he'll be remembered as the former chief cable lobbyist.

The *Post*'s article, on the other hand, focused on Comcast's political and social contributions. During the 2010 Congressional hearings for Comcast's takeover of NBCUniversal, it was pointed out that "the company had given more than \$1.8 billion in cash and in-kind support to community organizations over the previous nine years."

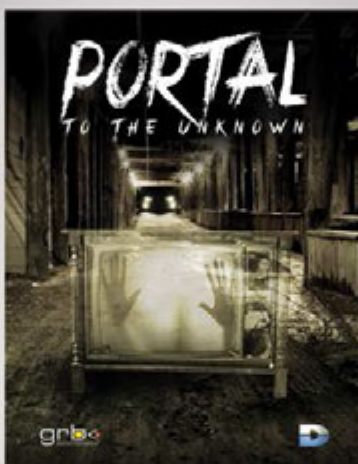
According to the paper, in the 2012 election cycle alone, Comcast has given to both the Republican and Democratic parties a combined \$6.5 million. In addition, Comcast's Washington lobbying budget has increased from \$2.4 million in 2003 to \$18.8 million in 2013, for nearly 100 lobbyists, including four former members of Congress. Also working on the acquisition are lobbyists for TWC, which last year reported more than \$8 million in lobbying spending.

To underscore the power of Comcast to get what it wants, the *Post* also wrote that the MSO has worked with most of the major think-tanks in town that are interested in communications issues, including the Aspen and Brookings institutes.

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A promotional poster for the movie 'The Red Road'. The background is a close-up of two men's faces. The man on the left is in the foreground, looking slightly to the left with a serious expression. He has dark hair and a beard. The man on the right is slightly behind him, looking directly at the camera. The lighting is dramatic, with strong shadows. In the top right corner, there is a blue box with the 'sundance CHANNEL' logo. Below that, the text 'European Premiere April 24th' is written. At the bottom, the title 'THE RED ROAD' is displayed in large, bold letters, with 'THE' in red and 'RED ROAD' in white. At the very bottom, the tagline 'LINES WILL BE CROSSED' is written in red.

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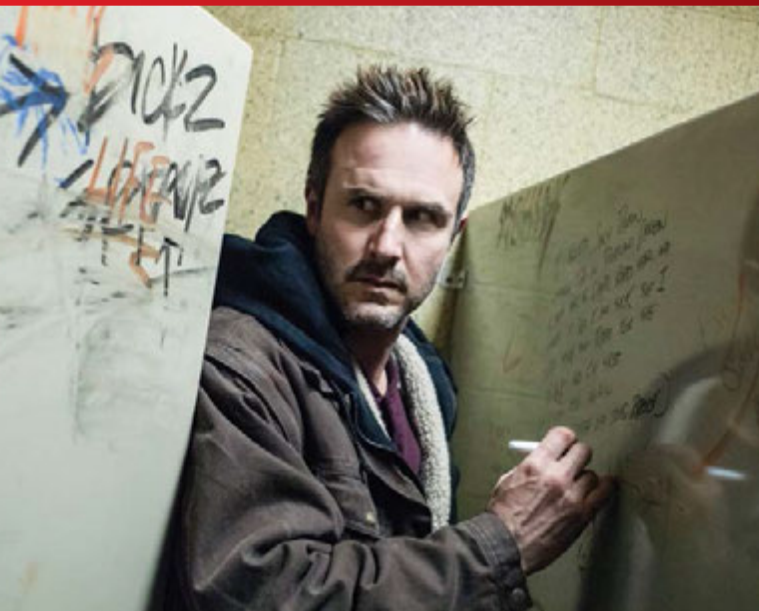
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Indies' Source of Wisdom for Filmmaking

From soup to nuts, everything the indie filmmaker needs to know, from those truly in the know

The *Independent Film Producer's Survival Guide: A Business and Legal Sourcebook* by Gunnar Erikson, Mark Halloran and Harris Tulchin (Shirmer Trade Books, 440 pages, \$27.95) presents itself as a guide for the legal and business aspects of financing, creating and distributing an independent film. Plus, it's filled with colorful anecdotes and practical examples.

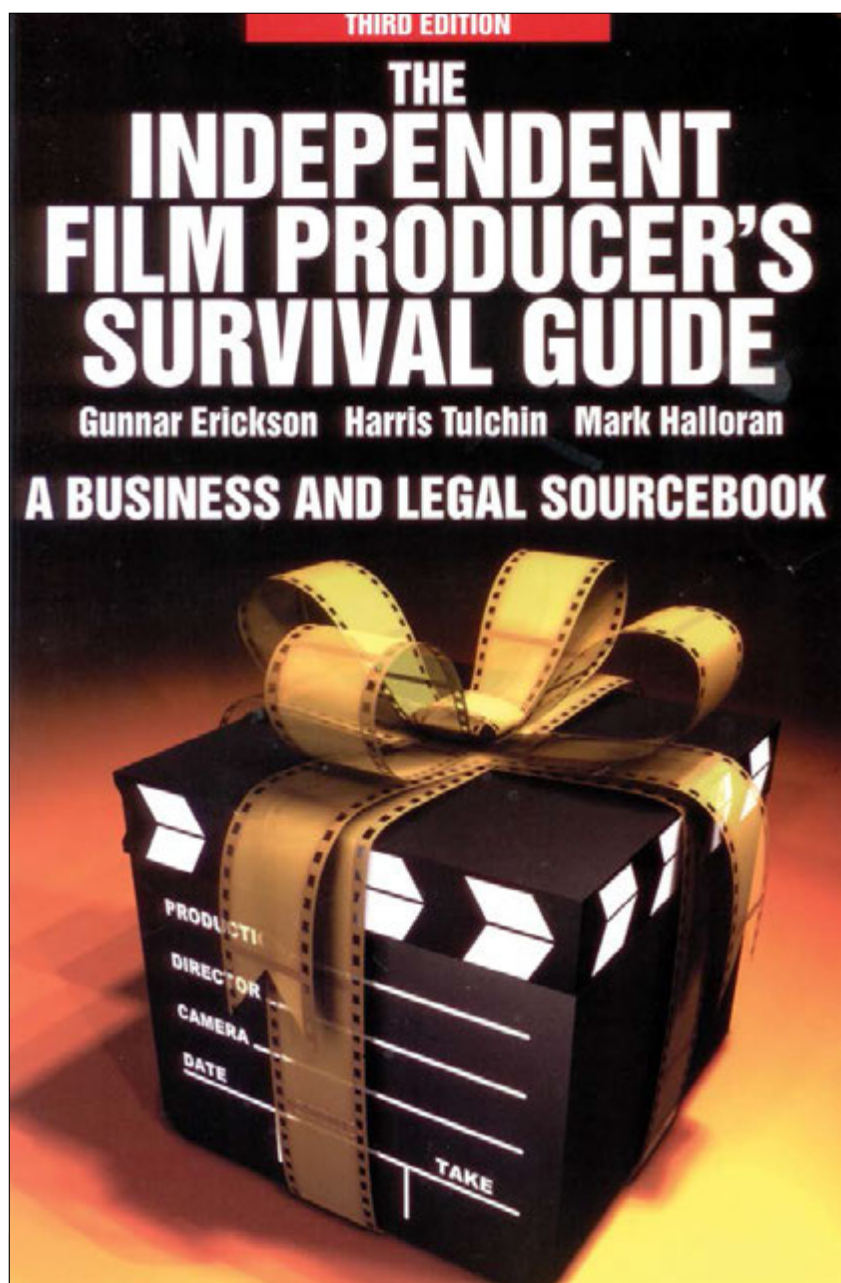
Although the term "survival guide" implies that the book is ready to be used by an inexperienced independent filmmaker to flip through on an as-needed basis, the conversational tone of the book and abundance of anecdotes make it imperative to read the book cover to cover, or risk missing an important point or step that an aspiring producer might not be aware of.

Additionally, because the authors outline several aspects of pre- and post-production, such as obtaining insurance for everything that could go wrong on a film set, prop release for copyrighted materials present in the picture and fireman's fund clearance procedures (presented as a checklist of things to be taken care of), an independent filmmaker might not immediately go thumbing through the book the same way they would for help on the more pressing issues such as forming a production company, selling the distribution rights, or drawing up a contract for the actors they cast — the book should not be consulted on a selective basis, especially by the target audience, inexperienced directors and producers, most likely straight out of film school.

Unfortunately, at first, going section by section seems like the natural way to read the *Survival Guide*.

The *Survival Guide* is written jointly by Gunnar Erikson, a formerly active member of the entertainment bar in Los Angeles (whose whereabouts the book implies are currently in some remote corner of Mexico), Mark Halloran and Harris Tulchin, both principals at their respective law offices, and respected names in Hollywood entertainment law.

The authors certainly have experience, and



Sample contracts, real-life cases and various checklists offer filmmakers simple and straightforward examples of procedures to get through problems they are likely to face.

the handbook shows it. Each of the book's sections and subsequent subsections follow the paper trail a film leaves behind, from the development process, to financing, casting, pre-sales, and setting up production companies, all the way to marketing, promotion, distribution and everything in between.

Sample contracts, real-life cases and various checklists offer filmmakers simple and straightforward examples of procedures to get through problems they are likely to face.

Of the countless movies stuck in development hell, who knows how many are there because of legal disputes? Or projects brought to a screeching halt by problems that surfaced only after filming was well under way. If all this can happen under the meticulous scrutiny of studios' legal departments, the task is truly daunting for an aspiring producer starting out independently.

With the help of this *Survival Guide*, at the very least, independent producers can assure that any problems they encounter won't be the result of a legal issue if they follow the instructions step-by-step, section-by-section.

Perhaps the book would be more readable if it followed the life of a fictional film, outlining the necessary legal procedures along the way. In that case, it would be less of a handbook and more of a textbook, which might not be in line with what the authors were trying to provide, but getting prospective filmmakers to read a legal handbook is a tough job.

In all, *The Independent Film Producer's Survival Guide* is a useful tool for those willing to pore over the bits they probably already know in order to come upon the truly golden nuggets on film production. The book can be used on an as-needed basis, but in this reviewer's experience with independent filmmakers, that would ensure that a lot of important paperwork wouldn't get filed at all, increasing the risk that the picture get stuck in development hell.

Now if only there were a guide to dealing with directors whose "artistic vision" requires them to argue with the lead actor during every take. **YS** 🇺🇸

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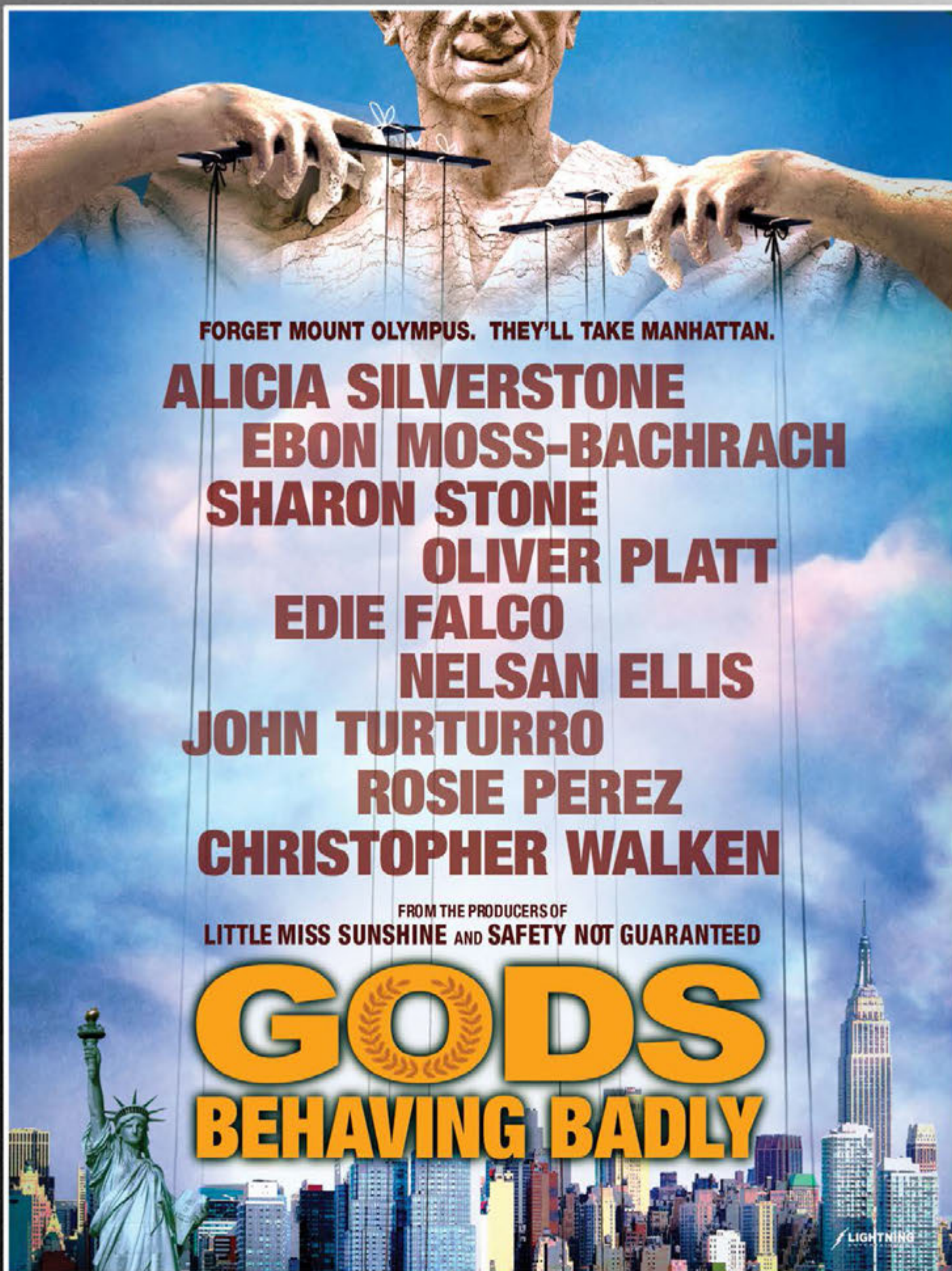
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A Burst of Activity and Change in U.S. Pilot Pattern Could Bring Bursting Sales

By Sara Alessi

This MIP-TV might be better than expected due to the changing strategy of the U.S. TV networks that are now giving the green light to an increasing number of new series prior to the New York City Upfronts in mid-May. For MIP-TV, this development means studios and other distributors will be in Cannes with a greater number of new series compared to previous editions of MIP.

In fact, among the four big U.S. networks alone — ABC, CBS, FOX and NBC — 16 dramas and comedies have long been announced for Fall 2014 on (see the full report on page 16). The total number of new shows, including those for cable, that have been ordered straight-to-series could reach into the 40s.

The question remains, however, whether producers are willing to sacrifice the Los Angeles Screenings in late May in favor of a few previews in April, and whether there will actually be pilots or sizzle reels ready for viewing.

Naturally, new series attract more buyers, even though some buyers, especially from Latin America, will still make the trip to L.A. The MIP-TV mix is particularly interesting to those buyers who like to stay one step ahead of the competition by reviewing the newly available slate one month early.

According to MIP's official figures, the breakdown of buyers by region indicates that Europe has the largest contingent with 67 percent, followed by Asia-Pacific with 16 percent, the Americas with nine percent and MENA with seven percent.

Another question involves the actual number of acquisition executives that will be able to go to Cannes. Some smaller buyers who usually get market access through their companies' sales departments exhibiting at MIP-TV have reported that they will not be able to get free badges, either due to the fact that their sales department will not be exhibiting this time around, or because they will be scaling down exhibition space and will therefore be entitled to fewer badges.

Even though participants will be caught up in back-to-back business meetings, MIP-TV organizer Reed MIDEM has once again packed the market ending April 10 with keynote speeches, screenings and sideshow attractions such as the newly launched Junior at MIP. Now the question is, will these additions to the program schedule have an impact on the event's bread and butter, the buying and selling of content? Exhibitors VideoAge caught up with ahead of the market were focused on sales.

Caracol Television Internacional's Juan David Gomez Gutierrez said MIP-TV has experienced "great growth year after year," and noted that his company basks in the reduced presence of the



U.S. studios, as they believe "this brings us more attention and we are able to make our presence even stronger."

Asked where her company tends to launch new titles, A+E Networks' Marielle Zuccarelli responded, "Traditionally, we use MIP-TV and MIPCOM as launch pads for unveiling our new content. That said, with the development of A+E Studios, we are looking at L.A. Screenings as a potential platform to introduce new dramas coming out of our studios in 2015. We are fully dedicated to both MIP-TV and the L.A. Screenings alike, as we target different buyers at each market."

Similarly, Hat Trick International's Sarah Tong said, "We launch the majority of our new shows at either MIP or MIPCOM, as most of the world's content buyers attend these markets and it's a good platform to show off what we have." She added, "In between the markets, our sales team goes on dedicated sales trips focusing on areas of expansion and importance."

Hat Trick's goal at this MIP is to launch new shows and meet up with existing clients from Australia, New Zealand, Scandinavia, France, Germany, Benelux, Poland, Russia and more, as well as to "explore new opportunities in Asia and some parts of Eastern Europe."

A+E's Zuccarelli explained, "Our goal is to increase our TV movie sales in Europe and Asia." She also noted that formats are a key part of the company's expansion strategy.

In the weeks leading up to MIP, Esther van Messel of First Hand Films was confident that her company would have a very busy market. "Our schedules are almost already fully booked and we haven't even done our mailing to buyers yet," she said. This time around, First Hand Films is looking to expand relationships in places such as Europe and Asia, as well as tackle newer territories, such as Russia.

This year MIP-TV will host a "Focus on Israel," shining a spotlight on the growing international

The question remains, however, whether producers are willing to sacrifice the Los Angeles Screenings in late May in favor of a few previews in April, and whether there will actually be pilots or sizzle reels ready for viewing.

success of Israeli TV content.

Though MIPCOM-goers look forward to opportunities in children's television offered by MIPJunior, which is held directly before the October event, this year MIP attendees will also get to explore the newly launched Junior at MIP-TV, which will be held on Tuesday, April 8.

Also new this year are the "MIP Digital Fronts," the new international screenings for original online video.

MIP-TV will be heavy on screenings this year, with the "World Premiere TV Screening" of Starz Worldwide Distribution's original drama series *Power* on Monday, April 7. There will also be screenings at the aforementioned "MIP Digital Fronts." "Fresh TV Fiction" will showcase drama from across the globe in two different sessions, "Fresh TV Fiction" and "Best of Fresh TV."

Plus, U.S. restaurant chain Chipotle Mexican Grill was named MIP-TV's Brand of the Year in recognition of its original online series *Farmed and Dangerous*. The series, which was produced with New York-based studio Piro, will make its international premiere on April 9 in the Grand Auditorium of MIP-TV's Palais des Festivals.

Finally, MIP-TV has gathered a group of speakers from well-known organizations, including Chris Albrecht, CEO of Starz, who will participate in a keynote as part of the Media Mastermind Keynotes. 🇮🇹



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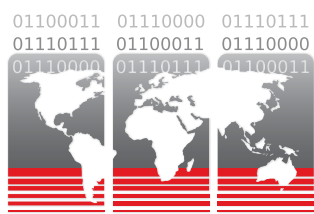
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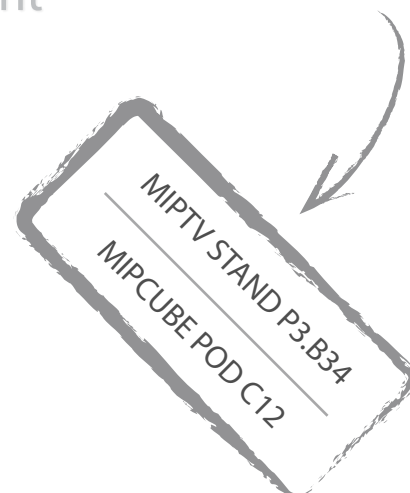
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(Continued from Cover)

"The broadcast, development and scheduling system was built for a different era. It was built in a three-network monopoly when we had all the talent and all of the audience. It's highly inefficient," Reilly complained. He continued: "After the pilot season is over, we screen them and schedule them and announce them in a compressed and crazy, condensed two-week period. We go to the Upfront [presentation to advertisers in New York City]. Then they have six weeks to get into production and get on the air. Honestly, it's nothing short of a miracle that the talent is able to produce anything of quality in that environment," he said.

"We can create a better, more talent-friendly, more consistently creative way to do this. We have, in fact, been ordering series throughout the year."

As a result, FOX already has several new series in production, as they plot a course for full-season rollouts.

"Of the balance of the many scripts in the process of being read now, I anticipate a few more will be ordered to some version of series or production for this cycle, and then I imagine a balance of those projects will be pushed and ordered for summer or early fall production next year to be almost a full 12 months ahead of development for the following season," Reilly explained.

"We can't be in the one-size-fits-all business. There shouldn't be a set order pattern... There are so many things, thousands of original shows competing for [the audience's] attention right now, we just can't do it all at once."

CBS Entertainment president Nina Tassler, on the other hand, did not agree with the idea of doing away with pilot season — especially since hers is the number one network in total viewers and often wins in advertiser-friendly demographic groups.

"I can appreciate where [Reilly's] coming from, and, obviously, he's got to make decisions relative to his own company and his own needs," Tassler noted. "Pilot season isn't perfect, and it certainly is a very difficult time. It's frustrating, but it's also exciting."

Tassler cited past television show successes like *The Big Bang Theory* and *CSI* as examples of when the pilot process worked well. "As a reminder, *Big Bang* was a pilot that we shot with Jim [Parsons] and Johnny [Galecki], but we didn't have Kaley [Cuoco]. So we and [executive producer] Chuck [Lorre] looked at the pilot and said, 'You know what: I could do better,'" Tassler said. "We shot a second pilot and we added Kaley Cuoco. Same thing with *CSI*."

"The pilot process is not perfect, but *CSI* was the last script in, and those producers had to get that script in because of pilot season. It was the last script picked up... When [Danny Cannon] was set to direct the pilot, it literally was moments before we were supposed to start shooting. It was the last pilot delivered, but it had to get in. And it was the fact that it was delivered under that kind of pressure that sort of forced, in analysis, a very smart creative team to make the best creative decisions," Tassler acknowledged.

Mark Pedowitz, who runs CBS sibling network The CW, also plans to stick with the more traditional pilot season. "With the year-round schedule, pilot season is tried and true. It's

inefficient in some ways, and it's very efficient in others," said Pedowitz. "We do not do that many pilots at CW. When we do our pilots, they have a great ratio of going to series... Last year, we ended up doing seven pilots. Five made it to series... So, for us, it's a very efficient system... I'm perfectly happy with the traditional in this case. I wish FOX well... [Reilly has] taken a real good leap, and I hope it does work out."

ABC Entertainment president Paul Lee also anchored his network's commitment to a more traditional pilot season. "The Upfront is very important to us and will continue to be important... for the foreseeable future... I'm a gradualist, for good or ill, and we are gradually moving off it. If you think of the things that I brought to you here for midseason — you know, we didn't take *Black Box* to the Upfront. We didn't take *Rising Star* to the Upfront. We did take *Resurrection* to the Upfront, and it's definitely true that we have the ability to take our time, cast well, and really land a Kelly Reilly and a Vanessa Redgrave. But it's equally true... that the focus and the deadlines that pilots bring have been extremely successful for American television for 50 years. And I for one sat in British television and looked up to the American ability to create factories of television that last for five, six, seven years. And I for one on this particular job am immensely proud of what our showrunners have done in pilot season to go through the *Scandals* and the *Revenches* and the *Onces* and the others," Lee said.

When asked to comment about Reilly's thoughts on pilot season, Robert Greenblatt, chairman of NBC Entertainment said, "It's funny. I hear he abandoned pilots and then just picked up a bunch of prototypes with an intent to go to series with extra scripts and stuff. So I don't know if that's not sort of another way of doing a version of the pilot process!"

Greenblatt was enthusiastic about pilots. "I actually love pilots," he said. "*The Blacklist* probably would never have seen the air had we not made a pilot, because it came from a relatively young, inexperienced writer. We weren't exactly sure immediately from that script that we should order a series. We found a great director to direct a prototype of the show, Joe Carnahan, who also helped contribute to what that show is and what it should look like. You learn valuable information from the pilot process. What I think Kevin was saying, and we all say on a daily basis, is we hate the pilot season. Now, we're locked into it for a lot of macro Upfront reasons to a large degree, but I don't think the pilot is a flawed concept. In some cases it makes sense to go right to series, as we did with *Crossbones* and *Emerald City* and Tina Fey and Robert Carlock's new show, but in a lot of cases a pilot can be really valuable. We just have to figure out, can we make them more off-cycle? If we get a star that no one else has, I immediately feel like that's half the battle." And, he added, "Casting is the worst part of the pilot season. If you have Ellie Kemper attached to a show already and we don't have to figure out who is going to play this central female character in Tina and Robert's new show, then you're ahead of the pack." By Susan Hornik

Early Pick-Ups, Holdovers Abound In Pilot Season

By Lucy Cohen Blatter

The big news among this year's crop of 2014-2015 commissioned pilots is that over a dozen series have already received series commitments. In fact, amongst the four big U.S. networks — ABC, CBS, FOX and NBC — 16 dramas and comedies have already been picked up for fall 2014 on (they're all listed below).

Perhaps unsurprisingly, many of the quick-to-be-picked-up series have famous (and already well-proven) names attached to them, like Tina Fey and Amy Poehler, who are both behind comedies coming to NBC.

Among the trends *VideoAge* is seeing in this pilot season are the usual based-on-a-foreign-series shows, including ABC's *An American Education*, based on a BBC Three series about an unorthodox public school teacher; *Exposed*, which is based on a Scandinavian format and follows an investigative journalist; *Strange Calls*; a cast-contingent drama based on an Australian series about a cop who's exiled to night duty on Nantucket; *Secrets & Lies*, another based-on-an-Australian series about a family man who finds the body of a young boy and quickly becomes a prime suspect; and *Irreversible*, a drama about an eccentric couple that's based on an Israeli series (all four are for the alphabet net). There's also *Jane the Virgin*, for the CW, which is based on a Venezuelan telenovela and is about a girl who accidentally becomes artificially inseminated; and ABC's *Sea of Fire*, about the aftermath of a pornographic film, which is based on a Dutch series. CBS will do a reality musical competition based on a Turkish format, *Keep Your Light Shining*. FOX also has comedy *Dead Boss*, based on a British series.

Interestingly, a new trend seems to be shows based on comic book characters (no surprise seeing ABC's success with *Marvel's Agents of S.H.I.E.L.D.* this year). The CW has commissioned a pilot based on DC Comics' *The Flash*; NBC's *Constantine* is based on DC Comic stories about a con-man-turned-reluctant-supernatural-detective and FOX's *Gotham* is a prequel to Batman.

Among the spin-offs are *How I Met Your Dad*, from the creators of CBS's longtime comedy *How I Met Your Mother*, the CW's *Supernatural: Tribes*, based on the long-running series about brothers who hunt supernatural beings, CBS's *NCIS: New Orleans* and a new *CSI*.



NBC has picked up *Welcome to Sweden*

(Continued on Page 18)



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(Continued from Page 16)

Also, it's interesting to note that many of the pilots and series that have been picked up for the 2014-2015 season were first introduced for 2013-2014 but passed over. CBS's *The McCarthys*, about a sports-crazed Irish Catholic family in Boston, and their *Untitled Jim Gaffigan* comedy based on the stand-up comic's real life as a father of five in New York City, were both in the running last year but not picked up (and their fate this year is still unknown).

Mulaney, a comedy about an up-and-coming comedian, was optioned by NBC last season and has now received a series order from FOX. *Backstrom*, a drama about a self-destructive detective, has been ordered by FOX as well, though CBS ordered the pilot last year.

Mr. Robinson, about a talented musician who's now a middle school music teacher, was passed over by NBC last year, but has already been ordered to series by the network this year.

For a complete list of the major networks' full-length series, starting in fall 2014, read below.

ABC

Comedy

An American Education

Based on the BBC series *Bad Education*, about an unorthodox San Diego public school teacher

Black-ish

An upper middle class black man tries to raise his kids with some cultural identity

Damaged Goods

A look at the sexual politics that have changed in the post-feminist era

Fresh Off the Boat

Based on chef Eddie Huang's memoir, it revolves around a Chinese family that moves to suburban Orlando

Galavant

A musical comedy about a handsome prince galavant and his quest for revenge

Irreversible

Based on the Israeli series *Bilti Hafich*, about a somewhat eccentric, self-absorbed couple, and their trials and tribulations — most of which they bring upon themselves

My Thoughts Exactly

Exposes the internal monologues of a young couple in a new relationship

Saint Francis

A blue collar, no-nonsense cop butts heads with the liberal world when his sister gets pregnant out of wedlock

Selfie

A self-obsessed 20-something garners unwanted social media attention and tries to live through the aftermath

Strange Calls **

Based on an Australian series about a good-hearted, bumbling Boston cop Toby Banks, who is exiled to night duty on Nantucket Island

Untitled Brian Gallivan project

An overworked father moves his family from the city to New Hampshire, where they open a group of tourist cottages

Untitled Hart, Goldman and Donovan Project **

Based on Kevin Hart's life, the show asks the question: "Can a man and woman ever be friends?"

The Winklers

An emotionally reserved construction worker unexpectedly moves in with his in-laws

Drama

Agatha

A former convict becomes a big-city criminologist

American Crime

A racially charged murder and its subsequent trial are examined through the lives of the victims, the accused and their families

Clementine

When she stops running from her past, a troubled 28-year-old psychic sees her life change in unexpected ways

The Club*

An *Upstairs, Downstairs*-style soap set at a private country club

Exposed

Based on a Scandinavian format, it follows an investigative journalist who will stop at nothing to uncover the truth

Forever

Centers on New York City's immortal star medical examiner

How To Get Away With Murder

A legal thriller about ambitious law students and their brilliant, mysterious criminal defense professor who becomes entangled in a murder plot

Sea of Fire

Based on a Dutch TV series, set in a small town torn apart when three teenage girls are in a pornographic film

Secrets & Lies*

A family man finds the body of a young boy and quickly becomes the prime murder suspect

Untitled Richard LaGravenese Project

Revolves around the love and rivalry between two powerful socialites with an obsessive attraction

The Visitors

Based on Ray Bradbury's short story "Zero Hour," this chronicles a race against the clock to defeat an unseen alien enemy

Warriors

The best and brightest active duty military doctors and nurses practice trailblazing medicine on wounded warriors

CBS

Comedy

Cuz-Bros

A successful and suave ladies man sees his life turned upside down when his mess of a cousin comes to stay

Good Session

A happy couple decides to see a therapist to help them decide if they should have a baby, but quickly learns there's more to discuss

How I Met Your Dad

A spin-off of *How I Met Your Mother* about a new group of friends who hang out at MacLaren's

The McCarthys

Centers on a large Irish Catholic family from Boston that is crazy about sports

The Mistake

A couple who just "finished" raising their kids becomes pregnant

More Time With the Family

A husband and father makes a career change in order to spend more time at home

The Odd Couple

A modern version of the classic, with Felix and Oscar

Save the Date

A single 35-year-old drunkenly books a wedding venue and embarks on a race against the clock to meet the right man in time

Taxi-22

An off-color cab driver in NYC is perpetually on the brink of a breakdown

Untitled Jim Gaffigan Project

Stars comedian Jim Gaffigan as a NYC father of five, as he is in real life

Drama

Battle Creek*

Two detectives with very different worldviews are teamed up on the semi-mean streets of Battle Creek, Michigan

CSI Spin-off

Revolves around a special agent in Virginia

Madam Secretary

Explores the personal and professional life of a maverick female Secretary of State

NCIS: New Orleans

A spin-off of the current series

Only Human

A soapy medical drama about quadruplets who grew up on a reality show

Scorpion

A procedural about an eccentric genius and his international network of super-geniuses who form the last line of defense against the complex threats of the modern age

Untitled Elmore, Cavell and Cusack Project

Set in the world of power and money on Wall Street

Untitled Kevin Williamson Project

A psychological thriller about a pair of detectives who handle stalking incidents at the LAPD

Untitled Nikki Toscana Project

Centers on a retired CIA operative who must rejoin the group when a terrorist event rocks Washington, D.C.

Reality

In The Spotlight

Based on a Turkish format, this music competition reality series comes from former *American Idol* producer Nigel Lythgoe

CW

Drama

The Flash

Based on the DC Comics character

Identity

Inspired by Israeli script *Dance of the Hours*, about a whip-smart New Yorker who discovers her only possible organ donor is a newfound half-brother, part of a wealthy and powerful Southern family

iZombie

A med student-turned-zombie gets a job in the coroners, office but she inherits the corpses' memories whose brains she reluctantly eats

Jane the Virgin

Based on the Venezuelan telenovela *Juana La Virgen*, about an innocent girl who accidentally becomes artificially inseminated

The Messengers

A group of strangers awaken to learn they are being deemed responsible for preventing an Apocalypse

Supernatural: Tribes

A spin-off of *Supernatural* that explores the clashing hunter and monster cultures of Chicago

(Continued on Page 20)

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(Continued from Page 18)

FOX

Comedy

Bordertown*

Animated comedy from Seth MacFarlane, about two families living on the U.S.-Mexico border

Cabot College*

A women's college begins accepting men

Dead Boss

Based on a British series, a comedic mystery in which an overachiever is wrongfully convicted of killing her boss

Fatrick

Centers on 30-something Patrick, who was once a chubby kid

The Last Man on Earth*

Stars Will Forte, about the last man left on earth

Mulaney*

Follows an aspiring comedian coming of age in NYC under the influence of his over-the-top boss — who was a major stand-up comedian in the '80s and '90s and now hosts a game show

No Place Like Home

A mom who's been single for two decades traumatizes her stunted son when she remarries and three teenage step-children are about to move in

Sober Companion

A court-appointed, highly unconventional sober companion takes control of the life of a charming, self-destructive attorney

Weird Loners*

The story of four relationship-phobic people who form an unlikely bond in a townhouse in Queens, NY

WTF America***

A hybrid scripted/unscripted project that explores small-town America

Drama

Backstrom*

Offensive, irascible Portland Detective Everett Backstrom tries, and fails, to change his self-destructive behavior while leading the Serious Crimes Unit

Empire

Family drama set in the world of a hip-hop empire, which features original and current music

Gotham*

Batman prequel, centering on DC Comics fixture Commissioner James Gordon and the villains that made Gotham famous

Hieroglyph*

A notorious thief is taken from prison to serve the Pharaoh, and navigate palace intrigue, seductive concubines, criminal underbellies and divine sorcerers

Home

A family thriller/soap that delves into the secrets lingering behind the façade of a suburban family

The Middle Man

Explores the unique relationship between Rudy MacAteer, an FBI agent charged with taking down the Italian-American mafia, and his confidential informant, Irish-American gangster Mickey Flood

Red Band Society

This "series prototype" is based on Spanish series *Polseres Vermelles* and is a coming-of-age drama that explores with dark humor the lives of a group of teenagers living in a hospital who become unlikely friends

NBC

Comedy

A to Z

Romantic comedy set in the world of an online dating company that details the "A to Zs" of a relationship, from meeting to break-up

Bad Judge

A hard-living woman struggles to balance her personal life with her job as a criminal court judge

Ellen More or Less

Centers on a woman who reinvents herself in life and love after losing 100 pounds

Feed Me

Dark comedy centering on a dysfunctional family bound by love and the restaurant they run together

Fifth Wheel

A young woman confronts her new reality when the last member of her tight-knit group of friends gets engaged

Lifesaver

An odd-couple comedy about two polar opposites who become linked after one gives the other a kidney

Love is Relative

A husband and wife begin to see their marriage in a whole new way after her newly divorced brother moves in

Marry Me

A longtime couple quickly learns that engagement is harder than it looks

Mason Twins

Two 30-something fraternal twins still live together

Mission Control

Workplace comedy set in 1962, about a strong woman who butts heads with a macho astronaut in the race to land on the moon

The Money Pit

Inspired by the movie about a couple that bites off more than they can chew in their new home

Mr. Robinson*

A talented musician adjusts to life as a middle school music teacher

Mystery Island

Animated comedy set on an island where people get marooned after their cruise ship malfunctions

One Big Happy

Gay and straight best friends decide to have a baby together, but when the man finds love, things get complicated

Old Soul

A young woman tries to find herself while working as an aide to a group of elderly people

The Pro

Workplace comedy set in and around a tennis and golf club

Tooken*

A woman who escapes from a doomsday cult starts life over in New York City

Two to Go

Two long-time best friends grapple with dating challenges while their friends try and prove they are destined for each other

Welcome to Sweden*

A New York accountant follows his heart, and his love, to Sweden

Working the Engels*

A family must come together when their father and breadwinner dies and leaves them with a ton of debt

Drama

Babylon Fields

The dead are rising in Babylon, New York

Coercion

Based on an Israeli thriller about a war hero who's unaware that his parents are part of a Russian sleeper cell

Constantine

Based on the characters in DC Comics' John Constantine stories

Emerald City*

A new take on the *Wizard of Oz*

The Mysteries of Laura

Based on a Spanish series that follows the life and relationships of a female homicide detective who can handle murderous criminals — but not her hell-raising twin children

Odyssey

Three families are torn apart when a stranded female soldier, disillusioned attorney and political activist are pulled into an international conspiracy

Salvation

Family drama set against the backdrop of a Texas mega church

State of Affairs

A key CIA attaché counsels the president on high-stakes incidents around the world

Tin Man

A psychological crime thriller set in the near future that revolves around a fugitive robot and a young female public defender

*Picked up

**Cast contingent pilot pick up

***Pilot presentation



Seth MacFarlane's *Bordertown* animated series got a straight-to-series order from FOX.

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When Consolidation Is Involved, the CRTC Spares No Regulatory Hurdles

When Bell Media recently acquired Astral Media as part of a C\$3 billion deal, it had to divest itself of some of its broadcast assets to satisfy the requirements of the Canadian Radio-television and Telecommunications Commission (CRTC), Canada's regulatory body. The CRTC's mandate is to ensure a dynamic marketplace and a healthy and competitive broadcasting system in the country. With huge deals like Bell/Astral, it must make sure that increased consolidation and scale does not upset the balance, i.e. that the combined viewing share will be within the CRTC's acceptable threshold.

Bell agreed to divest itself of radio stations as well as cable channels in order to bring this about. Channels that were put up for sale were largely genre-specific. Bell, like CTV, which it had previously acquired, and even CHUM, which CTV acquired even earlier, had never been in the children's television business. So it seemed to make logistical and probably also financial sense to unload the previously Astral-owned Disney-branded services: Family Channel, Disney XD, and Disney Junior, English and French, as well as a half-share in Teletoon Canada, with its related licenses. And it made perfect sense for Corus Entertainment to pick up the 50 percent of Teletoon Canada it did not already own. That purchase received CRTC approval this January.

Corus Entertainment has had considerable success with its niche-focused television brands. In addition to its share in the Teletoon services, its kid's portfolio includes YTV, Treehouse, Nickelodeon Canada and ABC Spark. It also owns animation producer and distributor Nelvana, with its library of over 4,000 half-hour episodes.

"We are very pleased to have completed the acquisition of Teletoon," said Colin Bohm, vice president and head of Corus Kids. "With our prior 50 percent interest in the company, we are already very familiar with these services. They will contribute to the growth and success of our kids business, which is a strategically important segment for us."

Where did Family Channel and the other Disney-branded channels end up?

Halifax-based DHX is a publicly-traded company on the Toronto Stock Exchange. It has been aggressively expanding its reach, and has increased its market presence with offices in Toronto, Los Angeles, Vancouver, Halifax and London, Paris, Barcelona, Milan and Amsterdam. It is a creator, producer and distributor of children's entertainment content, and has been very active in targeting digital platforms such as Netflix, iTunes and Yahoo!.

DHX has been in acquisition mode. In 2012 it acquired Toronto's Cookie Jar Entertainment, and in 2013 it purchased U.K. outfit Ragdoll Worldwide for C\$27.7 million. Ragdoll's library of children's properties includes the iconic *Teletubbies*.

It is no secret that Michael Donovan, DHX's CEO, has wanted to enter the channel business, and in November 2013, DHX announced that



DHX's Michael Donovan

it had made an agreement to purchase the Bell children's channels for approximately C\$170 million. The transaction is expected to close in 2014, subject to approvals by the Competition Bureau and the CRTC.

"The acquisition of these high-quality Canadian channels represents an exciting new addition to DHX, one that complements and enhances all areas of our business and positions us for our next stage of growth," said Donovan when the acquisition was announced.

Advantages he listed include a platform to create more shows to sell globally, a vehicle to increase Canadian-created animated shows for children, a distribution channel to promote its own family and kids brands and the ability to fill the increasing need for content as more and more television is watched on TVs, computers, tablets and smartphones.

The Disney-brand channels generate substantial revenues, which have been increasing over



Corus Kids' Colin Bohm

the past three years, and owning cable assets provides stable cash flow through subscriber fees. In particular, Family Channel, a premium commercial-free service, holds a Category A Pay-TV license, giving it a "must carry" designation by the CRTC, meaning cable and satellite companies are required to carry it on all their services.

Having the recognizable, world-famous Disney brand is an advantage in itself. Harold Greenberg, founder of Astral, was instrumental in bringing it to Canada, but the Canadian relationship with the Disney Channels is not in perpetuity. Kevin Wright, former SVP of Programming at Astral, said that maintaining the Disney trust and respect was a vital part of Astral's business.

Wright, a casualty of the Bell take-over, brings his considerable experience in children's programming to a now arms-length view of the changing landscape. From his perspective, the DHX deal is a good thing. "They are smart, strategic players who bring an entrepreneurial attitude to the business, with both a domestic and international perspective. As a new broadcaster, they should provide a fresh, authentic, independent voice, different from the older established vertically-integrated companies. And with their background, they bring to the table legitimate children's DNA: a children's player buying a children's asset!"

Like Corus, DHX will be a broadcaster with a related production company. In the Teletoon decision, in order to limit the potential for anti-competitive behavior, the CRTC imposed safeguards, for instance that Teletoon devote 75 percent of its expenditures for first-run original programming to non-related producers (up from 50 percent), and that at least 75 percent of all original first-run programming exhibited be acquired from non-related producers. DHX is likely to have similar conditions of license applied.

For program suppliers, such as Toronto-based 9 Story Entertainment, a large producer and distributor of family programming similar to DHX, or Ottawa-based animation specialist Amberwood Entertainment, it should be business as usual regardless of ownership. From his perspective, Sheldon Wiseman, president of Amberwood, sees the DHX deal and its potential conditions of license, like those of Teletoon, increasing the opportunities for independent producers.

The above-mentioned children's outlets are not the only ones in Canada. Others include TVOntario, with its long-standing reputation for preschool programming, and in British Columbia, BBCKids, owned by Knowledge Network. Its president, Rudy Buttignol, looks forward to a continued relationship with DHX, a company with whom he shares a mission for "good value children's programming."

And "good value children's programming" is what it's all about. **IB** 🇨🇦

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Challenges and Rewards With International Channels Business

A frank talk with A+E Networks' Sean Cohan

By Dom Serafini

VideoAge estimates that outside the U.S., 10 American companies own and/or manage over 1,000 international TV channels, generating — between sub fees, VoD share when applicable and advertising proceeds — annual revenues in the order of \$10 billion. This excludes the American Forces Network, religious networks such as EWTN and TBN and TV shopping channels such as QVC and HSN.

It's important to note that those 1,000 channels represent no more than 50 brands and that they don't include "feeds," but only distinct channels.

Nonetheless, it's clearly a profitable business and a growing one, and even though it presents great challenges, the rewards are equally great. In some instances, like in the case of Brazil's Rede Globo, the international channel business overshadows content licensing to third parties.

To better understand the nitty-gritty of the U.S. international channel business and the challenges it presents, VideoAge spoke at length with Sean Cohan, executive vice president of the New York City-based A+E Networks, which has seven brands spread among 62 distinct channels in over 160 countries. The U.S. is excluded from those figures, as are the "feeds," of which, in the case of Latin America (LATAM), there are 15.

In terms of ownership, 16 percent — or 10 channels — are fully owned and operated (O&O) by A+E: five in Southeast Asia (SEA), two in Italy, and one each in South Korea, Russia and Canada. Of the remaining channels, 40 are 50-50 joint ventures (JVs) and the remaining 12 are license partnerships.

Looking at the international channel business panorama out there, four hurdles come to mind: How crowded the field is; how costly it has become to enter; how competitive it is and how unclear the digital future is.

It is indeed a "very crowded landscape," concurred A+E Networks' Sean Cohan, "both in terms of viewer and platform attention." He also sees greater "saturation and fragmentation," as additional challenges. According to Cohan, in the future the sector will see "fewer, bigger and better," international TV channels and the industry's trend is to "shed channels." Another trend, previously reported by VideoAge, is for some major U.S. companies to group their channel operations in a few countries (e.g., Italy, Spain and France) under one central office.

But apparently these trends do not worry A+E, which in 2013 launched nine new channels: two each in the U.K., France and SEA, and one each in Italy, Russia and LATAM. "It was a very good year," commented Cohan, adding that A+E's strategy is to be "more local, but take advantage of central efficiency."

And it is a very expensive proposition; a business that requires deep pockets since, in the words of the A+E exec, "the payoff ranges from immediate to five years. It's a multi-year payback investment."



A+E Networks' EVP Sean Cohan

It is a business that requires "long-term orientation, strategic prioritizing and staggered investments," he said. To this, add the fact that, nowadays, increasing competition from big players renders the process more arduous, compared to the recent past, when A+E was able to launch 35 channels in the span of five years.

Preparing to launch a channel is a time-consuming proposition. For example, "Before launching in Italy," said Cohan, "we were in talks with the Italian platform for four years." In addition to "having our own people on the ground we have to ascertain if the platform has an appetite for the channel." Other considerations are: "making sure that each channel is different, evaluating local rules and regulations, making sure the market can support the new channel, and whether it makes economic sense to go solo." Regarding the last issue, Cohan said that, at A+E the trend is going solo, in the sense of launching O&O channels, however, "there are still places where JVs make sense." Nevertheless, he explained "focusing on long term, we want to create a path to ownership in the future."

As for the markets' needs, Cohan stated, "most markets can support and have demand for a couple of our channels [and] if you put quality product out there, there is still room to serve viewers on the platforms."

Negotiating with the platforms entails several issues, but apparently no longer includes pressure from them to co-own new channels. More importantly, today's issues have to do with the channel's position on the Electronic Program Guide (EPG), and its per sub fee. Cohan did not want to expand on the latter issue, except to say that "it has to be greater than zero."

In last April's Issue, VideoAge reported that the digital online live streaming alternative has offered channels that are able to deliver quality programs greater negotiating power, especially those for which subscribers will actually complain

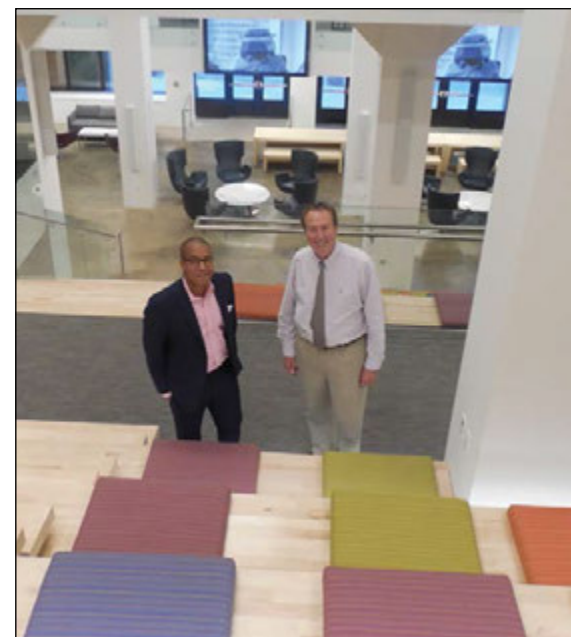
if providers don't carry them.

For the EPG's channel position, the ideal is to be close to the top channels and close to page one. The factors that determine the EPG position are the channel genre (since it is desirable to be grouped together), local regulations, fee considerations and exclusivity, considering that generally, international channel operators like to be platform agnostic. However, those are elements that concern reserved negotiations and which Cohan couldn't address publicly.

For an explanation, VideoAge called upon Jacques de Suze, a Washington, D.C.-based TV consultant who has been involved in the launch of many international TV channels: "A good EPG spot is of great value, and thus there are a lot of negotiations. One can read about the fight between Comcast and the Tennis Channel over their EPG placement. If all the general interest are in the 200-300 channel range, then that's where a new entertainment channel wants to be. If the new channel gets sent to the 800-900 channel range, it's not good. Then there is the U.K. situation, where the channel pays Sky and other distributors (cable) for carriage, which includes the EPG fee and a possible sub fee. If the channel is valuable, then the carrier pays the channel a sub fee, but the channel number is not necessarily linked to the EPG fee. In my experience, for a local U.K. channel we launched years ago, we paid more than £300,000 [U.S.\$500,000] a year for satellite carriage and £75,000 [U.S.\$125,000] annually for the EPG listing. We got no sub fee from cable or satellite companies."

But Cohan did touch on the subject of local hurdles in the form of a country's rules and regulations for content requirements, protection of indigenous channels, ownership limitations and other obligations. Typical examples could be provided by Canada's regulatory agency, the

(Continued on Page 28)



A+E Networks' Sean Cohan with VideoAge's Dom Serafini in the architecturally impressive atrium of A+E headquarters in New York City

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FROM THE MOVIE MAKERS

(Continued from Cover)

thing in the world”? The issue at hand is a current investigation into whether the present system of licensing movies on a territory exclusive basis contravenes Clause 101 of the Treaty of Functioning of the European Union.

The implications of the investigation announced in January 2014 could be that sales of exclusive territorial pay-TV rights to premium sports and newly released Hollywood movies break competition law by stopping licensees from selling to other European Union countries.

The Commission’s announcement of this investigation, which states that its purpose is to examine whether the traditional basis of licensing content on a territory exclusive basis “prevents [pay] broadcasters from providing their services across borders, for example by refusing potential subscribers from other member states or blocking cross-border access to their services,” sounds as if it is readying itself to create the content industry’s worst nightmare. But it isn’t.

The statement also sounds as if this investigation is about the “free movement of goods and services” within the E.U. But again, it isn’t. What it is, is an investigation into a relatively simple issue, but one that also forms part of a much larger, and much more complex evolution of the European Union’s view of, and relationship with, the provision of audiovisual content.

The announcement specifically names five Hollywood majors: Twentieth Century Fox, Warner Bros., Sony Pictures, NBCUniversal and Paramount, and five European pay-TV services: BSkyB, Canal Plus, Sky Italia, Sky Deutschland and Spain’s DTS.

Given the very early stage of this investigation, (when contacted by *VideoAge* a Commission spokesperson stressed, “there is no timeframe for this investigation, it will take as long as it takes”) there was an understandable reluctance amongst the named parties to be interviewed, however, two statements were offered. NBCUniversal’s statement read, “following an earlier informal request for information on the subject of territorial licensing of pay-TV rights to certain broadcasters the Commission has now opened a formal investigation into the pay-TV licenses between certain E.U. pay-TV broadcasters and major Hollywood studios. We believe we are in full compliance with E.U. competition law.”

BSkyB gave *VideoAge* a statement that read: “We are cooperating with the European Commission in its investigation into cross-border provision of pay-TV services in the E.U. At this very early stage, it is too early to speculate on the outcome.”

This apparently bland statement actually cuts to the heart of the matter. This is not an investigation into the licensing of content per se, so much as an investigation into “the cross-border provision of pay-TV services in the E.U.”

As Joaquin Almunia, vice president of the European Commission for Competition Policy, emphasized in a press conference following the January announcement, “I want to be clear on one point: we are not calling into question the possibility to grant licenses on a territorial basis, or trying to oblige studios to sell rights on a pan-European basis. Rather, our investigation will focus on restrictions that prevent the selling of the content in response to unsolicited requests from viewers in other Member States — the so-



Ross Biggam, director general of The Association of Commercial Television

called ‘passive sales’ — or to existing subscribers who move or travel abroad.”

Ross Biggam, director general of The Association of Commercial Television, said, “this inquiry into the provision of movies to Europe’s pay-TV services is part of a larger overall look at the way in which content is licensed and exploited in Europe, stretching from the Karen Murphy case, through an examination of the current copyright situation, to this investigation into the licensing/provision of movies.”

The “Karen Murphy case” to which Biggam refers concerns a pub landlady from Portsmouth in the U.K. who was prosecuted for showing British Premiership football (soccer) matches via a decoder purchased from Greek pay-TV service Nova. The outcome of the case is complicated, but in its October 2011 judgment, the European Court of Justice explicitly ruled that having an exclusive system [of licensing] was, “contrary to E.U. law.”

While there are other issues complicating the Murphy case, and the investigation into the provision of movies to European pay-TV services is running alongside a separate investigation into the current copyright situation, Biggam said, “From the perspective of commercial exploitation of content, the key issue is territoriality and portability.”

Biggam’s points are supported by the concerns expressed by the E.U.’s Almunia, who explained, “If I live in Belgium and want to subscribe to a Spanish pay-TV service, I may not be able to if there is absolute territorial exclusivity.”

It is easy to envisage relatively straightforward solutions to these questions, offered by technology. But it cannot be too greatly stressed that this inquiry is part of a much broader look the E.U. is taking at the whole question of the exploitation of content — including a consideration of whether or not to revise its copyright laws. A process Biggam claims has been subject to, “heavy pressure from the IT and tech lobbies and anti-copyright activists.”

Is this Europe’s ‘Room 101’? No. But with a White Paper on copyright reform due in June, and this investigation only now starting, it would be foolhardy to think that the door to the “worst thing in the world” will never be opened. *By Bob Jenkins* 🇬🇧

(Continued from Page 26)

Launching Channels

CRTC, and various Chinese authorities.

Once the channel is in place, the operator has to deal with local production and promotion, and advertising revenues. A+E’s channels, like the History Channel and Crime & Investigation (CI), require local content in order to be attractive to a local audience and, according to Cohan, “the older the channel is, the more local production is done.” That’s production that the company almost always fully owns, and can represent anything from one percent to 50 percent of the channel’s schedule.

Promotion is achieved through several means — on air, by cross-promoting with other channels, and off-air by using social media and local traditional media, including TV guides, subscribers’ guides and by leveraging promotional tours of the channels’ talent, and press tours that often get front cover coverage.

For example, last month History Japan brought a group of journalists from Japan to Los Angeles for a press event supporting the series *Storage Wars*. A+E Networks organizes these events throughout the year and, at times, they bring talent to other countries. Last summer, A+E brought Rick and Cory Harrison from the series *Pawn Stars* to Japan, the Philippines, Singapore, Malaysia and India, where they did publicity, consumer events, ad sales events and distribution events. They have also brought talent from several series to an advertising Upfront event in Mexico for their Latin American joint venture (where they have A+E, History and Bio channels). This is in addition to organizing a press tour in Las Vegas last year to support three of their series that are shot there: *Pawn Stars*, *Counting Cars* and *American Restoration*.

Advertising revenues — one of the two-tier system under which the channels’ business model operates (the other is sub fees) — are produced by five main methods: sponsorship, spots, global brand, regional brand and direct response. Other revenue streams include home video, EST, merchandising and events. For advertising, networks are sold individually or packaged in bundles with pricing often based on GRPs or spot rates. Channels like A+E can offer specific demographics (e.g., 60 percent of CI’s audience is female and 60-70 percent of History Channel’s is male).

Revenues are shared among channels by pre-arranged formulas and when spots are sold as stand-alone, channels like A+E can offer specific demographics (e.g., 60 percent of CI’s audience is female and 60-70 percent of History Channel’s is male) or an across-the-board demo by combining the ad inventory.

A+E Networks would not release advertising figures or their percentage versus sub fees, possibly because they tend to vary according to the countries’ economic climates. Last April *VideoAge* reported that, in some regions, like LATAM, advertising is not as important as it used to be; therefore, content providers and platforms are focusing more on piracy and, in particular, under-reported subs. When the advertising market was robust, these unreported extra eyeballs improved spot sales, but with a weak ad environment, per sub income becomes more valuable. 🇬🇧

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Underpenetrated Region Offers Opportunities For Indie Cinema

Q&A with AMC/Sundance Channel Global's Bruce Tuchman

At the New Europe Market (NEM), to be held June 10-13 in Dubrovnik, Croatia, the keynote speaker will be Bruce Tuchman, president of the New York-based AMC/Sundance Channel Global, which is owned by AMC Networks.

In an exclusive *VideoAge* preview, Tuchman discusses his strategy for launching international brands and specifically his approach for Central and Eastern European (CEE) countries.

Question: What makes the AMC/Sundance brand internationally desirable?

Answer: Our mission is to carry on the cornerstone of the Sundance Film Festival, which is to bring unconventional, fresh, under-viewed, underexposed content to places all over the world where this kind of content isn't available in the mainstream media.

Likewise, the brand has a lot of content that comes from our parent company, AMC Networks, which has developed a reputation for producing high quality and original drama.

These two components are making us very desirable all over the world and have fueled our growth over the last five years, since we started launching channels internationally. We're already up to 64 countries and territories that carry our brand.

Q: Is there something else that distinguishes AMC/Sundance from other high-quality TV brands?

A: What distinguishes AMC/Sundance is that I am in my office looking at posters of *Breaking Bad*, *Mad Men*, *The Walking Dead* — some of the most iconic and most beloved shows ever created.

Q: In your career you have launched a number of channels internationally. When launching a TV brand, do you have to customize that brand to each region or is good content universal?

A: At the end of the day, great content is universal. There is a market for global high quality content but there is also a market for local content that appeals to local niches that don't necessarily require as much investment in production or quality.

Q: What is AMC's approach to the European market, and how does its approach compare to other markets?

A: We're trying to bring our brand and other products to as many markets as we can. I've already mentioned that we are in 64 countries across Europe, Latin America, Asia, the Middle East, and North Africa. Our approach in Europe is similar to what we are doing everywhere else. We are trying to achieve two things: 1) We look at a market and we want to see that there is a

proposition where we can reach people and be true to our mission of providing content not otherwise widely available in the market, and 2) Our business is a sensible economic plan that shows a return after a considerable investment — that is our approach in a nutshell.

Q: What trends are specific to the CEE region? How is AMC trying to tap into the CEE market?

A: All markets are unique, including the markets within the CEE region. We are seeing a lot of consolidation, in comparison to other markets that are already a lot more consolidated. You have the persistence of some tough economic times and a concern among incumbent pay-TV platforms regarding over-the-top media mobility and new viewer demands that will impact and change the market. These three trends are very critical across the region and are playing out as we speak.

Despite consolidation and the tough economic conditions in the market, we offer a very compelling and reasonable price point that is also very friendly toward existing pay-TV providers.

Q: What potential do you see in the CEE region?

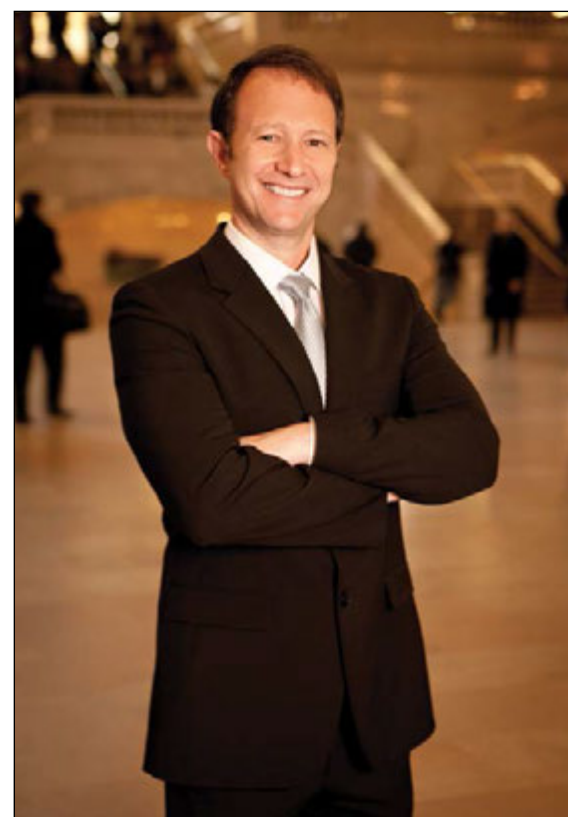
A: The region is huge in terms of population and is relatively underpenetrated when you compare it to other western markets or the U.S. The opportunity is enormous because we feel that penetration will continue to grow strongly. The CEE is "a must-be place" to have a business and invest in a business. Personally I am very passionate about the CEE region and have been involved in the region for over 20 years.

Q: Is AMC/Sundance looking to promote local programming?

A: The Sundance Channel produces content worldwide and there are four cornerstones to our content: 1) We do a lot of the original scripted dramas, but we also pick up dramas from other countries, 2) A big focus of ours is independent cinema that ranges from all years and all genres; we also typically pick films that are fresh from major film festivals, 3) Our content is handpicked and put on the air within weeks, and we want to continue to further explore the world of cinema within each of our markets, 4) We are looking to get and we often acquire films from the markets that we broadcast in.

Q: What does the acquisition of U.K.-based Chellomedia mean to AMC/Sundance?

A: It means that we have upped our game globally and we now have a very large and significant platform to match what we have created in the U.S. We can create more scale, diversify revenue sources, create synergies across the board and through this acquisition we can get ourselves into places that we haven't



Bruce Tuchman

been present in before.

Q: Do you think non-linear distribution influences TV content quality? How has AMC adapted to these changes in viewer demands?

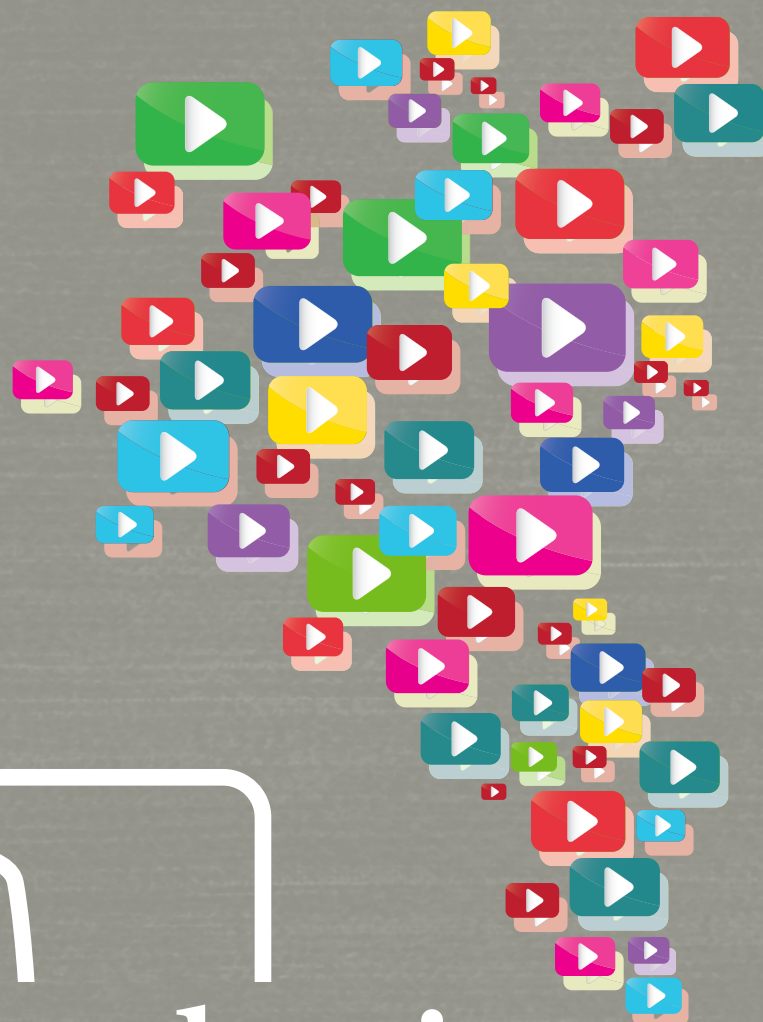
A: Before the era of digital, analog TV didn't have the visual and sound quality that we have now. Nowadays, before you look at a script, you look at how something is supposed to strike you and you examine the texture and authenticity of a show. Through an HD broadcast, you can actually see the little mementoes on Don Draper's desk. This kind of detail wasn't even possible before digital much less before HD. Especially now, in the world of on-demand viewing, watching TV has become an immersive experience. The technology requires content providers to up their game to a level that hasn't been prevalent before. And it's not just the visual or the sound; the actual smartness of content has to match the smartness of the technology. As the technology continues to evolve, it gives consumers more and more choices and allows them to be more and more demanding about what they want to watch and when they want to watch — that has fundamentally changed the game.

Q: What TV show are you currently hooked on?

A: I am a big *Walking Dead* fan. I also have to say that *Mad Men* changed my life, probably because my father was in the ad sales business at that time and I was always fascinated by that era. 🇮🇹

Contributed by NEM, edited by VideoAge.

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ITALIA

Increased Canadian Presence Boosts Miami Beach Mart

For this past NATPE, some 15 Canadian companies headed south to Miami Beach, with seven of those participating as exhibitors. Even though the number is not as high as it used to be, NATPE is still the number three TV trade show for Canadians, after MIP-TV and MIPCOM. And, for NATPE, Canada provides the second largest contingent after LATAM. The proximity to the U.S. that makes Canada the gatekeeper of the American TV market for non-U.S. companies (especially for children's animation) and the large number of quality productions coming out of the country make Canada an important element in the NATPE mix.

In recognition of this status, NATPE sponsored a "Spotlight on Canada" initiative with a co-production session in which Telefilm Canada, Canada Media Fund, Canadian Media Production Association and the Alliance of Canadian Cinema Television and Radio Artists all participated.

VideoAge caught up with some of the Canadian companies that attended NATPE this year to learn about the market from their perspective.

Victoria Clowater, Acquisitions executive for Octapixx Worldwide, found that this year's edition of NATPE, the company's 20th consecutive trip to the trade show, was just as successful as 2013, and was, in fact, "somewhat busier." Clowater has found that "attendance by Canadian companies, both buyers and sellers, has always been very strong at NATPE...While we have sensed a slight decrease in traffic involving American broadcasters over the past few years, likely because of the recession, overall we have found NATPE to be a superior, successful market that is very important for Octapixx."

The market was equally successful for Peace Point Rights. Les Tomlin, president and CEO, reported that the company "had [its] first deal completed within the first 15 minutes of the show floor opening." He added that floor traffic was very heavy, with "lots of high-quality walk-ups,



UFC World Champion Georges St-Pierre (center) paid a visit to Peace Point's stand. Here, he's pictured with Rose Marie Vega, Les Tomlin, Julie Chang, Eric Muller

in addition to our already full meeting schedules. We increased our stand size this year and it was much needed."

Though the Miami location offers a nice break from the Canadian cold, Octapixx's Clowater added that it, "has certainly increased awareness for this market amongst Latin American buyers, and we had good meetings and increased interest from broadcasters in Brazil, Venezuela, Colombia and Mexico. While our lifestyle programming did well, our best genre at NATPE was our documentaries, particularly our historical and military ones."

Lia Dolente, director of International Sales and Communications at Tricon Films & Television, noticed a "larger presence of international buyers, which made this year our busiest NATPE yet."

She added, "There has always been a large Canadian presence at NATPE, so we don't think that has changed, but we do find NATPE is becoming much more of an international market."

"Many of the pan-Latin American broadcasters were interested in our full library of programming," Dolente said. "But we found the smaller more niche channels were interested in our one-offs and specific programs that work for their target. Hour-long scripted series always work best and have a large audience appeal. We also noticed increased sales for our lifestyle programming."

Peace Point's Tomlin added, "We had buyers this year from many European territories as well as all of our friends from LATAM, of course. We had the

(Continued on Page 34)



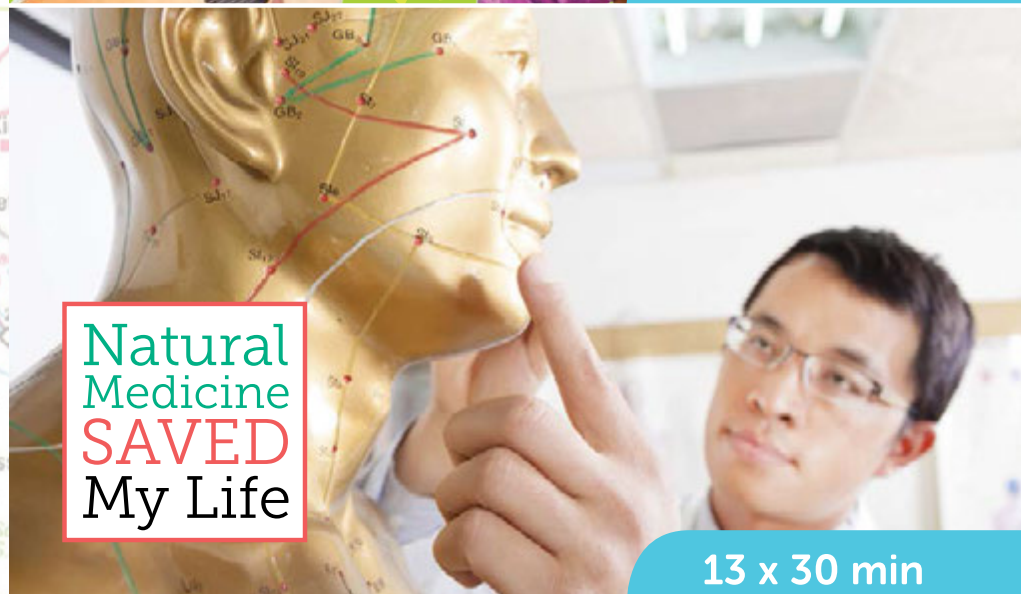
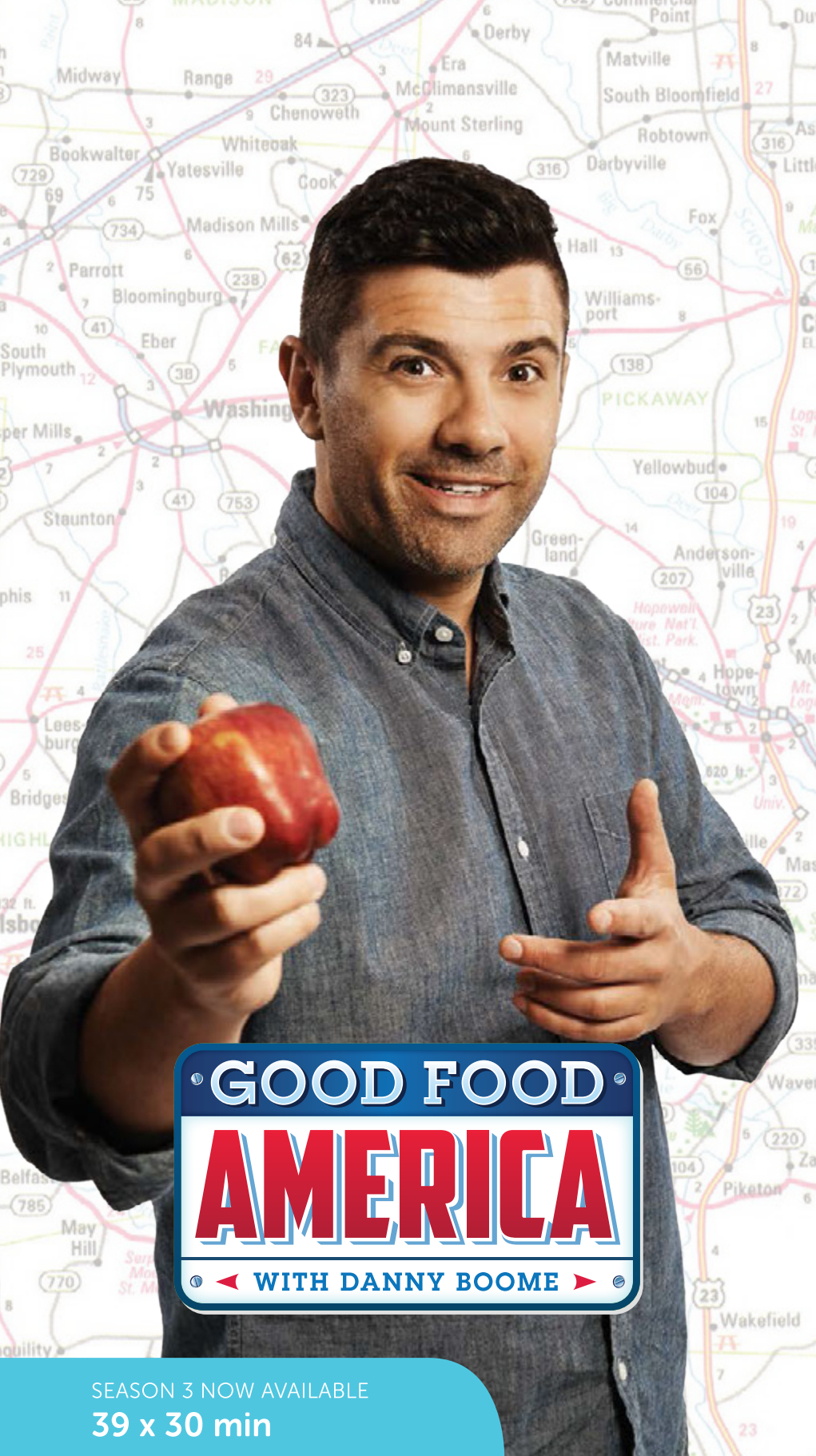
Breakthrough's Nat Abraham with celebrity chef David Rocco



9 Story's Vince Commisso, Natalie Osborne, Federico Vargas



Tricon's Lia Dolente



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(Continued from Page 32)

most interest from Mexico, Brazil and Argentina and especially the pan-LATAM channels. There is definitely a growing market in these regions for factual, lifestyle and documentary programming. The diversity of channels and buyers was definitely represented at NATPE this year."

This marked the first time 9 Story Entertainment exhibited at NATPE, and managing director Natalie Osborne reported that they were very pleased. "It was a great opportunity for us to increase our presence with Latin American clients and hold some key one-on-one meetings," she said. "We also found there was significant attendance from digital players, which is an important growth area for us."

"With respect to the Canadian presence, it's a relatively easy market for Canadians to attend both because of proximity and timing," Osborne said. "Canadians offer strong co-production partnerships and in this sense, NATPE is a great platform to showcase this strength. Our specific objective with NATPE this year was primarily to further develop and service our Latin American territory."


She added, "NATPE is also a big U.S. market with all the major U.S. studios and broadcasters in attendance."

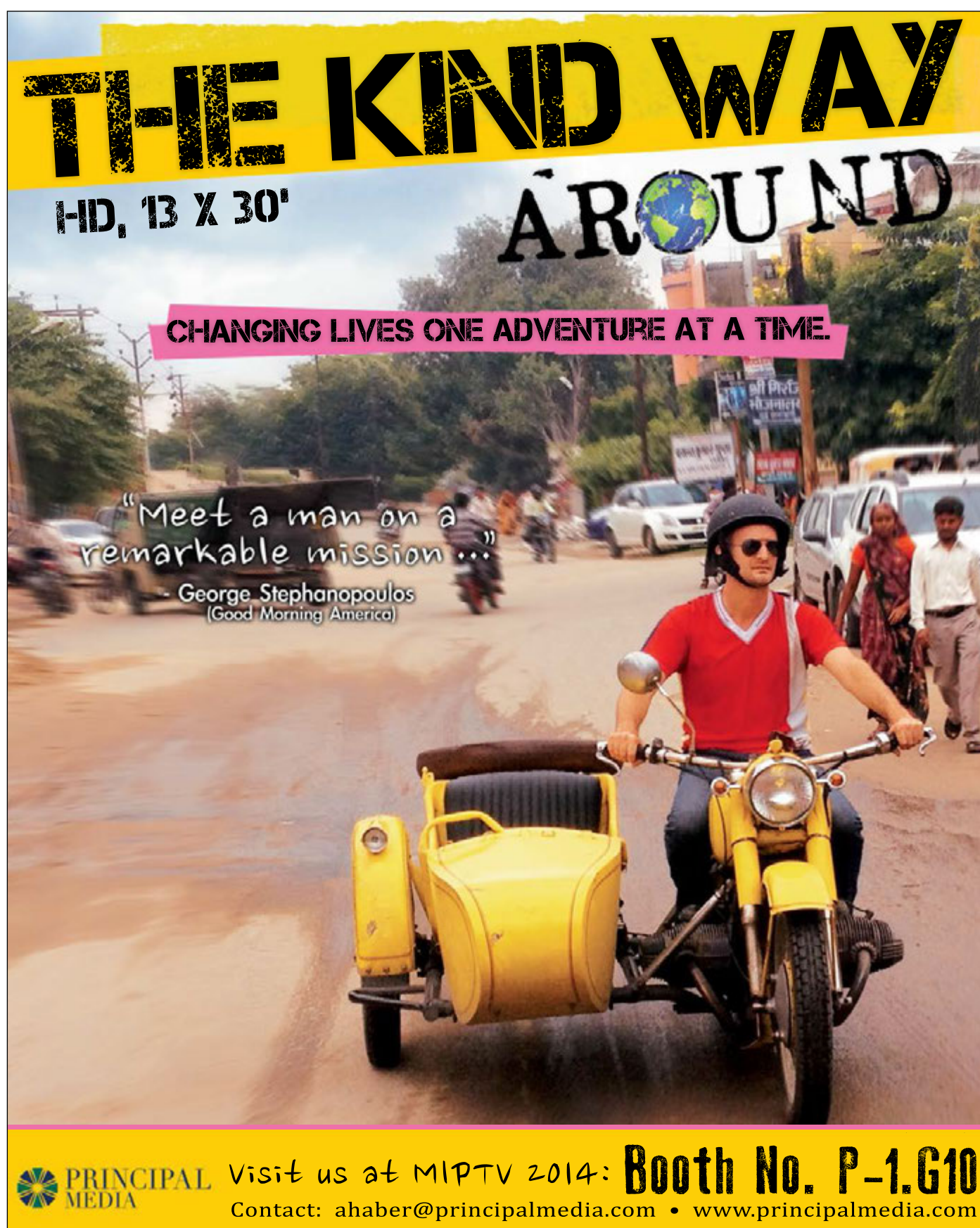
9 Story received quite a bit of interest in its kids and family programs. Osborne also noted that the company has a large library of dubbed content, and received feedback indicating, "there is a current need for high quality, dubbed kids programming."

Jodi Mackie, International Sales executive at Breakthrough Entertainment, did not believe that a stronger Canadian presence would alter the nature of the market. "Whether more Canadian companies were exhibiting this year does not really change NATPE from being a Latin American-focused conference. Most of the exhibitors use this conference to catch up with their Latin American clients as the major European and Asian buyers are seen a short while later at MIP," she said.

For Breakthrough, Argentina, Brazil, Mexico and Colombia are "significant growth pay-TV markets" that are continuing to develop.

Plus, while Mackie noted that "the conference is showing signs of growing again," she believes that "unless the logistics of the long elevator line-ups leading to and returning from the meeting suites is quickly resolved... the frustrations by attendees and exhibitors alike will outweigh any growth benefits. Additionally, addressing the scheduling conflict with another major TV conference, which also falls during the same week, will help the growth of this conference."

NATPE has, in fact, tackled the scheduling conflict, moving the 2014 event a week earlier; now it will not conflict with Realscreen in Washington, D.C. as it did this year and the year before. **SA** 



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(Continued from Cover)

studio shows, the Canadians are the first in and the first out. Their broadcast schedules are determined by something unique to Canada, called simultaneous substitution. It drives purchasing choices, and buyers are on the lookout for programs that meet this requirement.

Both Canadian and American signals are carried by Canada's cable and satellite operators. When a Canadian over-the-air broadcaster and an American over-the-air broadcaster schedule the same program at the same time, the Canadian broadcaster can request these operators swap out the American station's signal for the Canadian signal.

By doing this, the Canadian broadcaster does not lose audience or advertising dollars across the border, and maximizes revenues as its ads appear on two channels.

Because they are lining up their schedules in tandem with the U.S. network schedules to make the most of these "simulcast" opportunities, the Canadian buyers in L.A. make their deals right away, usually after four days of intense screening. Then they rush home to present their fall schedules to media buyers and advertisers.

Looking back over 2013-14 screening purchases, Barbara Williams, SVP of Content, Shaw Media, pointed to the success of *The Blacklist* on Global TV. "We are elated with the success of this new series, which is averaging 2.2 million viewers and is consistently ranking in the top-10 across key demos," she said, adding that the even bigger story for Global is the strength of its Monday night lineup as a whole. "We are owning Monday nights, beginning with *Almost Human* at 8 p.m. and followed at 9 p.m. by the surprise hit of the season, *Sleepy Hollow*."

Bell Media is also having a strong season. Mike Cosentino, SVP of Programming, CTV Networks, credited CTV's success to the continued strength of returning programs including *The Big Bang Theory*, *Criminal Minds* and *CSI*. For mid-season, he added the much-anticipated titles *Marvel's Agents of S.H.I.E.L.D.* and *Intelligence* to his roster, along with returning fan favorite *The Following*.

On the commissioning front, the CTV broadcast season kicked off with *The Amazing Race Canada*. "It was the most-watched Canadian series on record when its first season wrapped," said Corrie Coe, SVP of Independent Production, Bell Media, adding, "*Saving Hope* returned to CTV with a season two ratings high and we also launched *Masterchef Canada* and brought back *Motive* in mid-season."

Original productions for Bell Media's English entertainment specialty channels, added Coe, "include the factual series *Highway Through Hell* and *Canada's Worst Driver*, the dramas *19-2* and *Bitten* and the recently renewed big-buzz series *Orphan Black*." Season one of *Orphan Black* was the most-watched Space original series in its history, contributing to the audience growth of the sci-fi channel.



Barbara Williams of Shaw Media

Off-the-shelf purchases for Bell Media's English entertainment specialty channels include *The Daily Show*, *Suits*, and *The Day of the Doctor*, the Doctor Who 50th anniversary special. "These have resonated with our viewers," noted Catherine MacLeod, SVP, Specialty Channels and Bell Media Production.

For Shaw's specialty channels, Williams pointed to a tremendous start to the winter season with two brand new Canadian original series dominating in the rankings, Food Network's *Chopped Canada* and HGTV's *Timber Kings*. "*Chopped Canada*'s January 2 series premiere broke audience records across the channel, making it the network's highest rated premiere to date," said Williams.

Looking at more Canadian successes and challenges, Ellen J. Baine, VP of Programming at Hollywood Suite, said that the bouquet of movie channels is growing its subscriber base, and subscribers seem to be interested in more and more SVOD titles. For her, the challenge has been to find product to serve that appetite, "especially for older critically acclaimed titles that may not have been big box office successes but are more off the beaten path."

Their broadcast schedules are determined by something unique to Canada, called simultaneous substitution... and buyers are on the lookout for programs that meet this requirement.

"The premium TV business in Canada remains strong, driven by exclusive, high quality programming from our core partners HBO and Showtime," said Maria Hale, VP, Television, head of Content Distribution and Pay-TV at Corus Entertainment. "We are excited about the next generation of sure-to-be hits from them, including *Looking* and *True Detective* from HBO and *Penny Dreadful* from Showtime, as well as *Sensitive Skin* from Toronto's Rhombus Media."

At Blue Ant Media, two series in particular headed its success list: *BBQ Pitmasters*, a cook-off series on Travel+Escape and *Epic*, which spearheaded the launch of Cottage Life, its newest channel. *Epic* features extravagant cottage amenities and the people that design them. Andrea Harrick, director of Acquisitions at Blue Ant, described them as "daydreamers who took their passion to another level."

Moving west to British Columbia, Rudy Buttignol, president and CEO of Knowledge Network, is proud of the success of *Hidden Cities of Asia* in the branded documentary strand *East is East*. "We are reaching out to our changing demographic with Asian-Pacific programming, and it did spectacularly well. And taking a chance on *Miss Fisher's Murder Mysteries*, an Australian attempt at the British mystery genre, was another coup."

For Rogers Media, its success story of 2013 would likely be taking Canada's television crown jewel, the NHL, away from the Canadian Broadcasting Corporation for its Sportsnet outlets.

The CBC will still have access to some hockey games through its arrangement with Rogers, but the national broadcaster has other program assets. Looking at just one genre, Jennifer Dettman, executive director of Studio and Unscripted Content, named a slew of factual successes including *Dragons' Den*, *Battle of the Blades*, *Four Rooms* and *NHL Revealed*.

More Canadian success stories abound; those mentioned above just give a taste of the diversity available in the Canadian broadcast landscape.

By Isme Bennie



Maria Hale of Corus Entertainment

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DISCOP, In The Midst of a MENA Mess, Does Business As Usual

The new Egyptian government was formed. Turkey put restrictions on the Web. Arabs boycotted Turkish series. The Syrian civil war intensified. DISCOP Istanbul 2014 could not have taken place amid a worse period of regional social unrest. But, as the saying goes: “The show must go on,” and indeed it did, with stellar results.

The Turkish government passed a law during DISCOP giving the government greater control over the judiciary in order to thwart a corruption scandal involving Prime Minister Recep Tayyip Erdogan. In addition, to further control the scandal, the government passed a new law that assaults free speech by tightening government control of the Internet. Saudi Arabia, the United Arab Emirates and Bahrain decided to recall their ambassadors from Qatar to protest Doha’s involvement in the domestic affairs in Egypt.

The crisis in the Ukraine with the Russian invasion of Crimea, which is within firing range of Turkey, further contributed to the tension, which was visible in Istanbul, with key sites in the city guarded by armed police.

Nonetheless, the fourth edition of DISCOP Istanbul’s three day-market closed its doors March 6 on a high note, registering nearly 1,100 participants and over 100 companies exhibiting.

The ample space offered by the new venue at the International Convention and Exhibition Center (ICEC) allowed some exhibitors to flaunt their biggest stands ever.

The largest stands were those of six Turkish companies, ITV, Kanal D, ATV, Calinos, TRT and Global Agency.

Pavilions from France, China, the U.K., Malaysia, South Africa, Iraq and the Ukraine occupied the brighter wing of the exhibiting floor, an area where smaller Meeting Tables were also located. Among the newcomers exhibiting at the show was the Iraqi contingent, with six companies in their own pavilion; Japan’s NHK, which also hosted a cocktail; as well as Italy’s RAI Trade and Swiss Italian RSI.

All participants interviewed by VideoAge approved of the new, more spacious ICEC location,



ITV Inter Medya’s impressive stand

which accommodated all distributors under one roof, as opposed to the fragmented hotel setting of previous years.

At the market’s opening cocktail party, organizer Patrick Zuchowicki and Globus Fairs president Hakan Adiguzel announced a 50/50 partnership for future joint editions of DISCOP and the (now former) market competitor ITVF (to be held June 12-14) in Istanbul. Questioned about the joint operation, Zuchowicki explained that having a local partner allows for better synergies and faster growth. Reportedly, the ambitious goal of the Turkish TV industry is to reach \$1 billion in content sales within the next five years, partly by leveraging TV trade shows held in Istanbul.

With the new partnership, DISCOP will focus on content, while ITVF will concentrate on hardware and technology. Zuchowicki hopes to add one more floor to the DISCOP exhibition space next year for licensing and merchandising companies, and to reserve a brand new, nearby hotel (currently under construction) for participants, making the ICEC easier to reach.

The overall consensus among international distributors was that the trade show is a good venue to meet buyers from the MENA, ex-Yugoslavia and Eastern Europe regions as long as costs remain low. Indeed, there is some concern that costs could increase as a consequence of the



The new venue, the ICEC

new partnership with ITVF. According to Turkish distributors, a decrease in participation from international distributors as a result of spiking costs would likely force them to become a general Turkish content screening event, in the style of the BBC Screenings.

Latin American companies that have been attending DISCOP are now seeing rekindled interest in their telenovelas from the same buyers that come to the market primarily to purchase Turkish series, of which there is a limited number.

DISCOP organizers tried to alleviate the “no-show” problem with hostesses that walked around the floor carrying message boards to locate attendees that didn’t show up at appointments.

As for political concerns and their impact on the Turkish TV industry, especially with the elections last month, Turkish companies didn’t seem too worried. Kanal D’s Kerim Emrah Turna commented that overcoming potential problems due to the government’s instability “fuels creativity.”

On the issue of the boycott of Turkish series in certain Arab territories, Ahmet Ziyalar of ITV Inter Medya — which built an impressive duplex stand at the entrance of the exhibition floor — explained that they are now selling directly to the Arab networks, bypassing central agents, and that the issue is only temporary. Ziyalar also pointed out that their key sales effort is in exporting to territories outside the MENA region. **MG** 🇫🇷



Televisa’s Mario Castro, Silvia Garcia, Hugo Treviño



Caracol’s Berta Orozco



Despite tensions in the Crimea region, the Ukrainian Pavilion was busy



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E.U. Airline Passengers Now Have Rights

BEUC, the Brussels-based European consumer organization, has presented to the E.U. parliament a bill of rights for airline passengers. The proposal was accepted in Strasbourg and is now in the process of being approved. According to the bill, passengers will receive 300 euro (U.S.\$400) for delays of three hours, 400 euro for more than five hours and 600 euro for delays of more than seven hours for flights of 6,000 km (3,728 mi) or more.

Plus, if passengers don't receive answers about complaints within two months, the complaints cannot be contested.

Finally, the bill gives "right to accommodation," meaning that passengers will be entitled to hotel stays (while stranded and waiting for rerouting) for a five-night limit. A ban to the "no-show" clause is also important because many airlines unfairly cancel the return or connecting flights of passengers who either miss or do not take an outbound flight. The "no-show" clause should face an outright E.U. ban.

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My 2¢

Aereo is a great, technologically innovative TV device, but it should be compared to other forms of digital delivery service with all the usual legal obligations, including retransmission fees.



The dispute between the company that owns Aereo and the U.S. broadcasting TV industry reminds me of the debate I had with the late MPAA president Jack Valenti about “fair use” in the pages of *VideoAge*’s October 2000 Issue. But with a big difference.

Aereo is a device through which, for \$8 per month (plus the cost of the Internet connection and, for big-screen viewing, devices such as Apple TV and Roku), subscribers receive the same digital programs available for free from home antennas. Broadcasters compare the service to a cable TV operator and demand retransmission fees.

The case went to court and Aereo won the first two rounds. Now the ruling will be reviewed by the U.S. Supreme Court, possibly later this month.

Ironically, the Brooklyn, NY-based Aereo, founded by 43-year-old Indian-born Chet Kanojia, is backed by former U.S. broadcaster Barry Diller.

My debate with Valenti in the year 2000 centered around “fair use,” and it is reflected in the “My 2¢” editorial of the October 2013 Issue that also applies to Aereo: “to justify ad-skipping technology, [U.S.] Judge [Sidney] Thomas cited the 1984 Supreme Court ruling that made VCRs legal. However, in that case VCRs created an industry (home video), while it looks like the [ad skipper] Hopper will destroy an industry. Big difference!”

Recently, we were contacted by a PR agent in Wisconsin to see if we would be interested in running an article written by Warren Grimes, a professor at Southwestern Law School in Los Angeles who teaches about antitrust and television distribution issues.

Since we at *VideoAge* weren’t sure how the Aereo device worked and if indeed it worked at all — having heard of a few technical glitches — we asked to receive a test service for a week, considering that Aereo is operating in 11 U.S. metropolitan areas, including New York, our home base. This was a request that the PR firm couldn’t fulfill because it represented Southwestern School and not Aereo. (We also reached out directly to Aereo, to no luck).

From what I can deduct from Grimes’ article, Aereo’s justification for picking up broadcasters’ TV signals without paying a retransmission fee is based on a technical assumption, rather than the spirit of copyright laws. To Grimes, “the legality of Aereo’s conduct turns on whether the retransmission of broadcasts constitutes a ‘public performance.’” “Public performance” can be explained

with two examples: If I buy or rent a DVD or a digital video file and show the film or TV episode to some friends in my home, I’ve not violated copyright laws by an illegal “public performance.” But if I took the same movie or TV episode and showed it to patrons at a club or bar, in that case I’ve infringed copyright laws.

In the article offered to *VideoAge*, Grimes makes, in my view, some incorrect assumptions: That the broadcasters will not abandon the airwaves, as they threaten to do if the Supreme Court rules in Aereo’s favor. Grimes’ argument is that the broadcasters will not be giving up “ad revenues that flows from the 57 million Americans who still get their television through the digital airwaves.”

To the contrary, since Aereo serves metro areas where almost all viewers get their broadcasts from cable or satellite, stations will rent their airwaves to Wi-Fi services in Aereo’s areas so as not to jeopardize their \$4.3 billion-a-year retransmission fees by creating a precedent.

Grimes links Aereo to the unbundling issues associated with cable TV, without noting that unbundling concerns mostly small cable channels and not local TV stations that offer vital local emergency and warning services.

Now, without entering into the “prior performance” legal technicalities, I’m able to ascertain that Aereo’s service doesn’t constitute “fair use” since it makes money with someone else’s content without paying for the right. Plus, its operation rests on loopholes permitted by digital technology — Aereo captures broadcast television and retransmits it to subscribers over the Internet, but according to the lower Courts, it doesn’t constitute public performance because it uses mini-antennas (rather than one communal antenna) to capture the TV signals, and thus it is considered “private.”

Aereo’s hard-drive copies are not lawful. Subscribers have no fair use right to make copies so they can receive programming over an unlicensed television delivery service.

Aereo’s justification for picking up broadcasters’ TV signals without paying a retransmission fee is based on a technical assumption, rather than the spirit of copyright laws.



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